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Ira C. Ritter and The Kroger Co. v. Jerry and Ruth Stanton

Lesson 2: What does a jury do anyway?

A lesson plan for secondary teachers on the constitutional protections of trial by jury*

*The staff of the judicial branch chose this case as a useful tool to teach an interesting aspect of the law. Its selection has no bearing on how the case will ultimately be decided. Since the members of the Court did not participate in the preparation of the lesson plan, the issues raised in it will not necessarily be addressed in the oral argument.

Background:

This lesson is based on the case of *Ritter v. Stanton*, but it can also be used as a stand-alone lesson on the constitutional right to trial by jury. The case summary, the briefs of the [appellants](#) (Ritter and Kroger Co.) and the [appellees](#) (Jerry and Ruth Stanton), and the one-hour webcast of the November 14, 2001 oral argument before the Indiana Supreme Court are available on-line at <http://www.in.gov/judiciary/education/cotm.html>.

A separate lesson, giving an overview of the [structure of Indiana's court system](#), is available on the Courts in the Classroom homepage at <http://www.in.gov/judiciary/education/>.

A [glossary](#) of legal terms used in this and other Courts in the Classroom lesson plans is available on-line as well.

Learning Objectives:

At the end of this lesson students should be able to understand:

1. How juries are chosen;
2. The responsibilities, and duties given to juries; and
3. The differing role of the jury in civil (such as *Ritter v. Stanton*) and criminal cases.

Learning Activities:

1. We take for granted the right to trial by a jury of our peers, but this is not, and never has been, a universal right. Ask students to think about why American colonists believed the right to a jury trial was worth fighting (and dying) to protect. The Framers of the Constitution and the Bill of Rights were similarly concerned with protecting what they perceived as a fundamental right. Many organizations have webpages that provide historical information about juries. The Arizona Supreme Court's [The American Jury](#)

[System](#) and the [Alabama State Bar](#) both have short histories of the jury in the United States. The British Broadcasting Company's (BBC's) website also offers some [English history](#) on this topic. [The Constitutional Rights Foundation](#) offers extensive on-line material covering a variety of jury related subjects.

2. Conduct a brainstorming session with your students. Ask them to think about ways to select people for jury duty. While a "jury of peers" does not mean an exact mirror of the defendant's age, race, gender, education, occupation, etc., it does mean a group of people drawn from all segments of the community. How can this be accomplished? What groups might be under- or over-represented? The Indiana Supreme Court has produced a set of standardized rules to help counties with the jury selection process. These Indiana Jury Rules will go into effect on January 1, 2003 and can be found at <http://www.in.gov/judiciary/research/amend02/jury.pdf>.
3. Potential jurors are summoned to the courthouse by mail ([sample summons](#)); once there they may be asked to fill out a questionnaire before the actual selection process begins ([sample questionnaire](#)). Jurors may serve on either a grand jury (6 citizens who decide whether or not the state should file charges against someone based on the evidence presented) or a petit jury (a group of 6 citizens in a civil case and either 6 or 12 in a criminal case). Using the information students have gathered from the [Indiana Jury Rules](#), especially Rules 16-18, have them role-play the jury selection process (called "voir dire") for either the *Ritter v. Stanton* case or some other case they have heard about in the news. Assign students to act as lawyers for each side, a judge, and a court reporter in addition to the jury pool members.
4. *Ritter v. Stanton* is a civil case (information on the [difference between a civil and criminal case](#)). As the students learned in Activity 3, there are several significant differences in how jurors are selected in civil and criminal cases. The job of the jury also differs in civil and criminal trials. It is the responsibility of the judge, in both types of cases, to make sure that proper procedures are followed to ensure a fair trial.

In criminal matters the prosecution must prove "beyond a reasonable doubt" that the defendant committed the crime in question. In civil matters the burden of proof is slightly different. Generally speaking, the jury must determine whether the preponderance of evidence shows what the plaintiff alleges.

After opening arguments, presentation of evidence and/or witnesses, closing arguments, and instructions by the judge, the matter is turned over to the jury for deliberation. Again the differences in civil and criminal cases are important. In civil cases the judge tells the jury the appropriate law and the jury determines the facts. In criminal cases, the Indiana Constitution gives juries considerable authority to determine the law as well as the facts (review [Article 1 Section 19](#)). Once the jury reaches a verdict, it has completed the bulk of its work. In civil trials the jury may determine the damages to be awarded—most often a dollar amount. In criminal cases the sentencing is carried out by the judge. As appropriate, however, the jury may be asked to make a recommendation concerning a sentence of death.

- Ask students to think about the different burdens of proof for civil and criminal trials. Which is a higher standard?
- Why do you think the writers of the Indiana Constitution gave criminal juries the leeway to determine the law as well as the fact? Do you think this is a good idea? Why or why not?
- In a criminal trial the jury verdict must be unanimous; in a civil trial, the parties may agree to a majority verdict. Do you think requiring unanimity is a good idea? Why or why not?

For Further Study:

1. Have students compare available information on jury selection in Indiana with that of other states. Many jurisdictions have information about their process up on the Internet. These sites can be located using a simple web search with terms like “jury duty.” In Indiana, Marion County has its own website for prospective jurors: <http://www.indygov.org/courts/jurypool/index.htm>. Interested teachers can contact the Marion County Jury Pool Supervisor by calling (317) 327-5888 for information about special class visits and programs surrounding jury duty.
2. In the case of *Ritter v. Stanton* the attorneys for Ira Ritter and Kroger allege that the amount of damages awarded by the jury were excessive and ask the court to review this matter. Ask your students to read the briefs submitted by each side. Why do the Ritter/Kroger attorneys feel the award is excessive? The [*Dollar Inn, Inc. v. Slone*](#) and [*Sears Roebuck & Co. v. Manuilov*](#) cases are cited by both sets of attorneys on this topic. Ask students to read these opinions (they are both available on-line) and to discuss the discretion given to a jury in awarding damages.
3. Compare the authority the Indiana Constitution gives juries in criminal matters with that of other states. Do many other states allow juries to determine the law as well as the facts? Does the U.S. Constitution allow this in federal courts?
4. The [Indiana State Bar Association](#) produces a *Juror's Handbook*. Information about this publication can be found at their website or by calling (317) 639-5465 or Toll Free (800) 266-2581; Fax (317) 266-2588.

Related Indiana Social Studies Standards

U.S. History 1.1: Explain major ideas about government and key rights, rooted in the colonial and founding periods, which are embedded in key documents.

U.S. Government.1.9: Explain how the rule of law, embodied in a constitution, limits government to protect the rights of individuals.

U.S. Government.2.6: Define and provide examples of fundamental principles and values of American political and civic life, including liberty, the common good, justice, equality, tolerance, law and order, rights of individuals....

U.S. Government.5.7: Describe the ways that individuals can serve their communities and participate responsibly in civil society and the political process at local, state, and national levels of government.

